



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 24, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Jay V Jensen
Jack A Jensen
L Vaughn Jensen
3300 N. King Mt. Rd.
Moore, ID 83255

RECEIVED
JUN 28 2004

Re: Mitigation Request for Water Rights 34-372A, 34-372B, and 34-690B

Department of Water Resources
Eastern Region

Gentlemen,

On June 23, 2004, the Idaho Department of Water Resources ("IDWR") received a written request from the Watermaster of Water District 34 to schedule a special meeting of the water district pursuant to Section 42-605(11), Idaho Code. The watermaster stated that the purpose of the meeting is to "address the concerns of the water users in opposition of the mitigation request for water rights 34-372A, 34-372B, and 34-690B, owned by Jack A Jensen, L Vaughn Jensen, and Jay V Jensen." The watermaster's letter advised that a meeting was held by water users on June 22, 2004, and that a majority of the users present at that meeting voted to rescind the water district advisory committee decision of June 1, 2004 to provide mitigation for the above referenced water rights. The letter further advised that a majority of the users present voted to support a request that the watermaster call for a special water district meeting.

The purpose of this letter is to formally advise you that IDWR has received the request from the watermaster calling for a special water district meeting to vote on mitigation. We also wish to advise you that as of this date, IDWR has not received any mitigation plan from the watermaster on behalf of the water district. Given the request for the special meeting, IDWR does not anticipate that the water district will submit a mitigation plan, which is an option available under the Water District 34 Water Distribution Rules.

IDWR will provide notice of a special meeting in accordance with Section 42-605(11), Idaho Code. The meeting cannot be held until 30 days after the notice is sent. IDWR is waiting on information from the water district regarding the time and location of the meeting.

The Water District 34 Water Distribution Rules allow several options of mitigation for holders of junior ground water rights when a mitigation request is made, but the rules do not require that junior ground water rights be curtailed if the water district or junior priority ground water users do not provide mitigation. Regulatory relief however may be provided pursuant to the statewide Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11).

Please contact me directly at (208) 327-7864 if you have questions concerning this matter.

Respectfully,

Tim Luke

Manager, Water Distribution Section

Cc: Bob Duke, Watermaster, Water District 34
IDWR Eastern Region
Seth Beal, Chairman, Water District 34 Advisory Committee